

**CS FOR SENATE JOINT RESOLUTION NO. 13(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

**BY THE SENATE RESOURCES COMMITTEE**

**Offered: 3/21/18**

**Referred: Rules**

**Sponsor(s): SENATORS STEDMAN, Wilson, Hoffman, Shower, Stevens, Giessel, MacKinnon, Micciche, Bishop, Coghill, Egan, Kelly**

**A RESOLUTION**

1 **Urging the United States Congress to amend the Marine Mammal Protection Act;**  
2 **urging certain federal agencies to permit Alaska Native organizations and the Alaska**  
3 **Department of Fish and Game to co-manage, take, and study sea otters; and urging the**  
4 **United States Secretary of the Interior to review evidence and waive certain provisions**  
5 **of the moratorium on taking sea otters.**

6 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 **WHEREAS**, between 1965 and 1969, the Alaska Department of Fish and Game  
8 reintroduced approximately 400 sea otters in six different locations in Southeast Alaska's  
9 coastal waterways without a long-term management plan; and

10 **WHEREAS**, in the absence of a management plan, the sea otter population in  
11 southern Southeast Alaska's coastal waters has grown at an alarming rate; while 5,800 sea  
12 otters were observed in 2003, an aerial survey conducted by the United States Fish and  
13 Wildlife Service in 2012 estimated the population at over 27,712, an apparent population  
14 growth rate of 13 percent each year, placing the 2018 population at an estimated 51,058; and

15 **WHEREAS** the federal government, which is responsible for protecting marine

1 mammals under the Marine Mammal Protection Act (16 U.S.C. 1361 - 1423h) has not  
2 established an effective and ecologically balanced management plan for sea otters that serves  
3 to protect Southeast Alaska's coastal marine ecosystem and shellfish resources that are  
4 adversely affected by sea otters; and

5 **WHEREAS** a growing sea otter population is contributing to ecological imbalances  
6 and diminished human subsistence and commercial harvests of Alaska shellfish resources;  
7 and

8 **WHEREAS** the reintroduced sea otter population has proliferated without  
9 management, consuming unquantified yet significant volumes of crab, abalone, urchins, sea  
10 cucumbers, clams, and other shellfish resources on which Southeast Alaska's human residents  
11 rely; and

12 **WHEREAS** the drastic population growth of the reintroduced sea otters and the  
13 current population density of sea otters has, in some areas, depleted shellfish stocks so  
14 severely that human subsistence, sport, personal use, and commercial harvest of shellfish is  
15 not permitted because of unsustainably depleted shellfish resources; and

16 **WHEREAS** many residents of the state's coastal communities depend, directly or  
17 indirectly, on the abundance and harvest of fisheries resources; and

18 **WHEREAS** the state's coastal communities face substantial challenges in developing  
19 economic opportunities for their residents; and

20 **WHEREAS**, because revenue from harvests of the state's fisheries resources  
21 contributes significantly to the economies of the state's coastal communities, residents of  
22 these communities are sensitive to situations that threaten the harvest of fisheries resources;  
23 and

24 **WHEREAS** Alaska Natives have harvested sea otters since time immemorial; and

25 **WHEREAS** the Marine Mammal Protection Act denies Alaska Natives their  
26 customary and traditional practice of selling intact sea otter pelts; and

27 **WHEREAS** the Marine Mammal Protection Act permits Alaska Natives to harvest  
28 sea otters for subsistence and for purposes of creating and selling authentic Alaska Native  
29 handicrafts and clothing, if the sea otters are harvested in a manner that is not wasteful; and

30 **WHEREAS**, under the Marine Mammal Protection Act, Alaska Natives may sell  
31 certain handicrafts and clothing made with sea otter pelts; and

1           **WHEREAS**, to take a sea otter in the state, current federal law requires an individual  
2 to reside along the North Pacific or Arctic Ocean coasts and to possess 25 percent Alaska  
3 Native blood quantum, and there will be fewer individuals who meet those requirements in  
4 the future; and

5           **WHEREAS** the legal import of language in the Marine Mammal Protection Act,  
6 which cites "authentic Native articles of handicraft and clothing" and "significantly altered,"  
7 may not be clear to Alaska Native hunters and craftspeople; and

8           **WHEREAS** the United States Fish and Wildlife Service has failed to develop a  
9 management plan for sea otters in consultation with any Alaska Native organization, even  
10 though Alaska Native organizations have approached the service about developing a  
11 management plan; and

12           **WHEREAS** implementation of a sustainable sea otter management plan would  
13 maintain sea otter populations at a level that allows for ecological balance in the state's coastal  
14 shellfish habitat and provide for expanded economic activity in the state's coastal regions; and

15           **WHEREAS** the State of Alaska is a model for the successful and sustainable  
16 management and harvest of fish and game resources and is best situated to manage sea otters  
17 along the state's coast; and

18           **WHEREAS**, after the Alaska Department of Fish and Game, the National Marine  
19 Fisheries Service is the next best situated state or federal agency to manage the state's sea  
20 otter population because the agency already manages other marine mammals and fishery  
21 resources that are being adversely affected by sea otters; and

22           **WHEREAS**, under the Marine Mammal Protection Act, the United States Secretary  
23 of the Interior is permitted to enter into cooperative agreements with Alaska Native  
24 organizations to conserve marine mammals and provide co-management of subsistence  
25 resources by Alaska Natives, and an agreement could include a management plan for the  
26 harvest of sea otters that also protects shellfish resources adversely affected by an  
27 unsustainable sea otter population; and

28           **WHEREAS**, rather than the United States Fish and Wildlife Service managing sea  
29 otters in a manner that allows for ecological balance and human harvest of fishery resources,  
30 the United States Fish and Wildlife Service has a record of protecting sea otters to the  
31 detriment of other fishery resources and human needs, resulting in a situation in which the

1 fishery resources that sea otters feed are imperiled and the sea otter population itself placed at  
2 risk of collapse;

3 **BE IT RESOLVED** that the Alaska State Legislature urges the United States  
4 Secretary of the Interior, in consultation with the federal Marine Mammal Commission, to  
5 review current data and scientific evidence relating to sea otter abundance and the detrimental  
6 effects of sea otters in Southeast Alaska under 16 U.S.C. 1371(a)(3)(A), and, after reviewing  
7 the evidence, waive the requirements of 16 U.S.C. 1371 to allow the taking of sea otters in  
8 Southeast Alaska; and be it

9 **FURTHER RESOLVED** that the Alaska State Legislature urges the appropriate  
10 federal agencies to work with the Alaska Department of Fish and Game and Southeast  
11 Alaska's Native and non-Native leaders to establish a plan for sea otter management that will  
12 maintain a balance between sustainable human harvest of shellfish resources and the region's  
13 reintroduced sea otter population; and be it

14 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States  
15 Congress to transfer responsibility for sea otter management in the state from the United  
16 States Department of the Interior to the Alaska Department of Fish and Game under 16 U.S.C.  
17 1379, or, if not to the Alaska Department of Fish and Game, to the National Marine Fisheries  
18 Service in the United States Department of Commerce; and be it

19 **FURTHER RESOLVED** that the Alaska State Legislature urges state and federal  
20 agencies, in developing a management plan, actively to consider how the plan may expand  
21 and enhance small businesses and provide other economic opportunities for Southeast  
22 Alaska's residents; and be it

23 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States  
24 Congress to amend the Marine Mammal Protection Act to provide for an ecologically  
25 balanced sea otter management regime instead of protecting sea otters at the expense of  
26 marine ecosystems and fishery resources; expand the scope of allowable uses for harvest of  
27 sea otters; permit any Alaska Native residing in the state who is a member of a federally  
28 recognized tribe under 25 U.S.C. 5130 or who is enrolled under the Alaska Native Claims  
29 Settlement Act, to take sea otters; provide that "authentic native articles of handicrafts and  
30 clothing" under 16 U.S.C. 1379 include sea otter pelts that may be sold without restriction;  
31 and allow the Alaska Department of Fish and Game or an Alaska Native organization

1 authorized under a cooperative agreement with the United States Secretary of the Interior or  
 2 the National Marine Fisheries Service to co-manage subsistence uses of sea otters, including  
 3 the authority to permit the sale and foreign export of sea otter pelts; and be it

4 **FURTHER RESOLVED** that, when an Alaska Native organization or the Alaska  
 5 Department of Fish and Game certifies to the United States Secretary of the Interior or the  
 6 National Marine Fisheries Service, in writing, that a sea otter population poses a threat to  
 7 Alaska Native subsistence resources and that the population may withstand higher levels of  
 8 taking without becoming unsustainable, and the Alaska Native organization or the department  
 9 provides a management plan for the study and taking of the sea otters designed to protect  
 10 fishery resources used for subsistence purposes, the Alaska State Legislature urges the United  
 11 States Secretary of the Interior or the National Marine Fisheries Service to issue a scientific  
 12 permit to the department or Alaska Native organization to carry out the management plan; and  
 13 be it

14 **FURTHER RESOLVED** that the Alaska State Legislature urges that the scientific  
 15 permit issued by the United States Secretary of the Interior or the National Marine Fisheries  
 16 Service

17 (1) authorize the Alaska Department of Fish and Game or an Alaska Native  
 18 organization to take as many sea otters as is necessary to protect subsistence fisheries  
 19 resources;

20 (2) grant the department or Alaska Native organization the authority to  
 21 administer the management plan, including the plan's amendment or modification, as  
 22 circumstances, including changes in the sustainability of the sea otter population or fisheries  
 23 resources within the same ecosystem, may dictate; and

24 (3) permit the department to delegate all or part of the agency's management  
 25 authority to an Alaska Native organization.

26 **COPIES** of this resolution shall be sent to the Honorable Paul D. Ryan, Speaker of  
 27 the U.S. House of Representatives; the Honorable Orrin Hatch, President pro tempore of the  
 28 U.S. Senate; the Honorable Ryan Zinke, United States Secretary of the Interior; and the  
 29 Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the  
 30 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.